

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of remarks herewith.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 2 and 4-19 are pending. Claim 3 is hereby canceled without prejudice or disclaimer of subject matter. Claims 1, 2, 9-12 and 17-19 are independent. Claims 1, 2, 4-7, 9-12 and 17-19 are hereby amended. No new matter has been added. Support for this amendment is provided throughout the Specification as originally filed and specifically on page 30-46, Fig. 4 and 5. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. 35 U.S.C. §101

Claims 11 and 19 are hereby amended, thereby obviating the rejections under 35 USC §101.

III. REJECTIONS UNDER 35 U.S.C. 35 U.S.C. 102(b)¹ and §103(a)

Claims 1-5, 7-13 and 15-19 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by US Patent Publication No. 2002/0041602 A1 to Kageyama (hereinafter, merely “Kageyama”).

Claims 6 and 14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kageyama in view of U.S. Patent No. 7,287,201 to Nagai et al. (hereinafter, merely “Nagai”).

IV. RESPONSE TO REJECTIONS

As understood by Applicant, Kageyama relates to a communication control method and a communication system preferably applied in data transmission between apparatuses connected by a bus line, and a communication apparatus according to this communication control method.

As understood by Applicant, Nagai relates to a data transmission method for transmitting encoded moving/still picture by using a wired communication network such as ISDN or a wireless communication network such as PHS or satellite communication and a data transmission apparatus to which such method is applied.

Claim 1 recites, *inter alia*:

“...transmission control means,

for keeping the transmission means in a first state indicating that neither the main information nor the first control information is transmitted to the information reception apparatus;

¹ Applicant notes that the Office Action stated that the present application was rejected under 102(b). However, Kageyama was not published more than 1 year prior to Applicant’s US filing date. Therefore, Applicant submits that Kageyama is not 102(b) art. Applicant assumes the Office Action intended to reject the pending claims under 102(e).

for keeping the transmission means in the second state indicating that the transmission means is permitted to transmit the main information to the information reception apparatus when a first measurement result indicates that no error has occurred in the received information;

for changing the second state of transmission means to a third state indicating that the transmission means is prohibited when the information reception apparatus does not receive the main information;

for changing the second state of transmission means to a fourth state indicating that the transmission means is permitted to transmit the main information with an error packet to the information reception apparatus via the network; and

for changing the fourth state of transmission means to the third state, when a third measurement result indicating that errors have occurred...” (Emphasis added)

Applicant submits that neither Kageyama nor Nagai, taken alone or in combination, that would teach or suggest the above identified features of claim 1.

Specifically, the Office Action relies on Kageyama to describe an information distribution system exchanging data between communication apparatuses. However, Applicant submits that nothing has been found in Kageyama that would teach a transmission control means that can change the state of the transmission apparatus among state SA to state SD (the first state to the fourth state in the claims) according to the RTCP and RTCP_RR (the first control information and second control information in the claims) (See Specification, Fig. 4 and Pages 30-39).

Therefore, Applicant respectfully submits that Kageyama fails to teach or suggest the above identified features of claim 1.

Therefore, Applicant respectfully submits that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 2, 9, 10 and 11 are also patentable.

Claim 12 recites, *inter alia*:

“...reception control means,

for keeping the reception means in a fifth state indicating that the reception means rejects to receive the main information from the transmission apparatuses when the information reception apparatus does not receive the main information;

for keeping the reception means in a sixth state indicating that the reception means has not received, but it is ready for receiving the main information from the transmission apparatuses when the information reception apparatus does not receive the main information;

for changing the sixth state of reception means to a seventh state indicating that reception means is receiving the main information from the transmission apparatuses when a second control information indicates that no error has occurred in the received information; and

for keeping the reception means in a seventh state when a second control information indicates that no error has occurred in the received information, or when a second control information indicates the information reception apparatus does not receive the main information, or when a second control information indicates that an error has occurred in the received information...”
(Emphasis added)

Applicant submits that neither Kageyama nor Nagai, taken alone or in combination, that would teach or suggest the above identified features of claim 12.

Specifically, Applicant submits that nothing has been found in Kageyama that would teach a reception control means that can change the state of the transmission apparatus among state RA to state RD (the fifth state to the seventh state in the claims) according to the

RTCP and RTCP_RR (the first control information and second control information in the claims)

(See Specification, Fig. 5 and Pages 39-46).

Therefore, Applicant respectfully submits that Kageyama fails to teach or suggest the above identified features of claim 12.

Therefore, Applicant respectfully submits that claim 12 is patentable.

For reasons similar to those described above with regard to independent claim 12, independent claims 17, 18 and 19 are also patentable.

V. DEPENDENT CLAIMS

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested


that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800